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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,759	01/23/2002	John Sidney Stewart	PU 020022	7319

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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,193

Applicant(s)

CHATELIER ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/21/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The specification fails to provide appropriate labels, such as: "background of the invention," "brief summary of the invention," "brief description of the drawings" and "detailed description of the invention." Appropriate correction is required.

Claim Objections

2. Claim 1 is objected to because of the following informalities: In claim 1, line 2, it appears the phrase "a previous step of receiving..." should be changed to "a step of receiving..." since the claimed limitation is a receiving step.

In claim 2, line 3, it appears the phrase "in deleting said service..." should be changed to "deleting said service..."

In claim 4, line 4, it appears the phrase "in comparing whether parameters..." should be changed to "comparing whether parameters..."

In claim 4, line 7, it appears the phrase "of updating the parameters..." should be changed to "updating the parameters..."

In claim 8, line 3, it appears the phrase "that a selected service..." should be changed to "that selected service..."

In claim 8, line 4, it appears the phrase "and a erasing means..." should be changed to "and an erasing means..."

Similar errors appear in various claims and must be appropriately corrected.

Appropriate corrections are required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cuccia (6,337,719)** in view of **Rzeszewski et al (5,917,481)**

As to claim 1, note the **Cuccia** reference figure 1, discloses apparatus for receiving signals during power-off (stand-by) mode and further discloses a Receiver for a digital TV system and method for managing the broadcast service lists in the TV receiver, containing a central unit (Microprocessor 'M' 118), reception means for receiving and storing broadcast services and services lists, a memory (M-120) containing a program, a memory for storing at least one customized list of services, characterized in that it comprises:

A step of receiving (via Antenna 'Ant' 101, fig.1 and col.3, lines 23-35 and line 55-64) a downloaded update of a list of service (EPG update list, col.4, lines 10-20) and a step of storing (in Memory 'M' 120) an application (EPG application) and at least one customized list of services (stored compound EPG, col.4, lines 16-20);

The method where it comprises the step of triggering a consistency check (Microprocessor 'M' 118, col.4, lines 10-55) between the at least one customized list of services (Compound or stored EPG) and the downloaded update of a list of services (EPG update) available to the receiver, so as not to disrupt receiver use by the check (col.4, lines 10-55 and col.5, lines 1-57), note that M-118 "means for checking the consistency" includes EPG application or program that triggers TV-set or receiver to update the compound EPG during any or these modes: stand-by mode, when remote control signals are not being received, just after or before power-on/stand-by, nightly, etc., before scanning process to automatically update the compound EPG information.

Cuccia fails to explicitly teach storing at least one customized list of services.

However, note the **Rzeszewski** reference figures 1-2, discloses a method and device for receiving and storing EPG data, which allows a user to store favorite channels and selectively updates channels (col.3, line 66-col.4, line 2, col.5, line 4-45).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Rzeszewski into the system of Cuccia to selectively update the user's customized or favorite channels to meet any changes made by the user of the customized list.

As to claim 4, Cuccia fails to explicitly teach where consistency check comprises, a step of verifying the presence of a service of a stored list in the updated list, and in case such presence is detected, comparing whether parameters relative to the detected service and stored in the stored list are similar to parameters relative to the detected service in the updated list, and in case of difference between the parameters, updating the parameters of the detected service in the stored list.

However, Rzesewski further discloses verifying the presence of a service of a stored list in the updated list, and in case such presence is detected, comparing whether parameters relative to the detected service and stored in the stored list are similar to parameters relative to the detected service in the updated list, and in case of difference between the parameters, updating the parameters of the detected service in the stored list (col.5, line 56-col.6, line 30).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Rzesewski into the system of Cuccia to

provide and selectively provide an up-to-date version of each selected service stored in the customized EPG.

As to claim 5, Cuccia further discloses a method where the consistency check of a stored list is triggered: when an application for editing the at least one stored list is launched and/or at a predetermined time of the day (col.20-55 and col.5, lines 1-12).

As to claim 6, the claimed "Receiver for a digital TV system..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claim 7, Cuccia fails to explicitly teach where the TV system allows the user to select a service of the customized list and means for controlling of the selected service is in the updated list of services, means for updating the customized list are triggered if the selected service is not in the updated list.

However, Rzesewski further discloses allowing a user to select a service of the customized list and controlling the selected service in the updated list of services and updating the customized list are triggered if the selected service is not in the updated list (col.5, line 21-col.6, line 30).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Rzesewski into the system of Cuccia to allow the user to added channels and to enable the TV receiver to selectively update the customized list to include additional channels as desired by the user.

5. Claims 2-3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cuccia (6,337,719)** in view of **Rzeszewski et al (5,917,481)** as applied to claim 1 and 7 above, and further in view of **Lazarus et al (5,652,613)**.

As to claim 2-3, Cuccia as modified by Rzeszewski, fail to explicitly teach verifying the absence of a service of a stored list in the updated list, and in the case such absence of a service of a stored list in the updated list, and in case such an absence is detected, deleting the service from the stored list and where the deletion of an absent service from the stored list is carried out after a predetermined number of checks revealing the absence of the service in the updated list.

However, note the **Lazarus** reference figures 1-2, discloses an intelligent EPG memory management system and method, which performs "housekeeping" operation by setting a memory utilization parameter "predetermined value" and based on this parameter, automatically searches or scanning EPG database for expired records, obsolete "absence of a service" or least value (based on a counter assigned to each program or channel) schedule information to delete the program or channel accordingly to free up enough memory space (col.3, line 7-30, line 45-col.4, line 29, col.5, lines 9-39 and col.7, lines 10-22).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lazarus into the system of Cuccia as modified by Rzeszewski to set memory utilization parameter and perform a memory "housekeeping" operation to delete expired EPG or "absence of a service" or least value program or channel, to free up memory space for update or new customized EPG.

Claim 8 is met as previously discussed with respect to claims 2-3.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seidman et al (6,298,482) disclose system for two-way digital multimedia broadcast and interactive services.

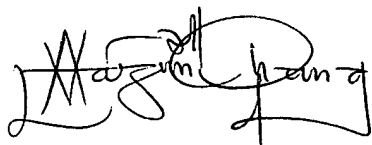
Moon et al (6,138,908) disclose method for updating communications facilitation data.

Aras et al (5,872,588) disclose method and apparatus for monitoring AV materials presented to a subscriber.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized, cursive script.

Annan Q. Shang